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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/630,350
	Filing Date	July 29, 2003
	First Named Inventor	Victor B. Kley
	Art Unit	Unassigned
	Examiner Name	Unassigned
Total Number of Pages in This Submission	Attorney Docket Number	020921-000411US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): USPTO forms SB08A & SB08B (5 pages), copies of 23 cited references (foreign patent & non-patent), Return Postcard.
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Townsend and Townsend and Crew LLP David N. Slone Reg. No. 28,572
Signature	David Slone
Date	9/24/03

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PATENT
Attorney Docket No.: 020921-000411US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

VICTOR B. KLEY

Application No.: 10/630,350

Filed: July 29, 2003

For: NANOMETER SCALE DATA
STORAGE DEVICE AND
ASSOCIATED POSITIONING SYSTEM

Examiner: Unassigned

Art Unit: Unassigned

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the foreign patent and non-patent references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

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PATENT

Respectfully submitted,

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60040035 v1



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 5

Complete if Known

Application Number	10/630,350
Filing Date	July 29, 2003
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Examiner Name	Unassigned
Attorney Docket Number	020921-000411US

U.S. PATENT DOCUMENTS+

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	1	6,353,219	03-05-2002	Kley	
	2	2002/0007667	01-24-2002	Pohl et al.	
	3	6,340,813	01-22-2002	Tominaga et al.	
	4	6,337,479	01-08-2002	Kley	
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Sheet 2 of 5

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C m p l t e i f K n w n

Application Number	10/630,350
Filing Date	July 29, 2003
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U.S. PATENT DOCUMENTS+

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		Number Kind Code ² (if known)			
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Sheet 4 of 5

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U.S. PATENT DOCUMENTS+

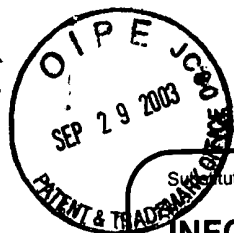
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code ² (if known)			
	124	3,586,865	06-22-1971	Baker et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
	125	PCT	WO 01/03157		01-11-2001			
	126	PCT	WO 98/34092	A2	08-06-1998			
	127	PCT	WO 97/04449		02-06-1997			
	128	PCT	WO 96/03641	A1	02-08-1996			
	129	JP	7-105580		04-21-1995			yes
	130	JP	61-133065		06-20-1986			abstract only
	131	JP	1-262403		10-19-1989			abstract only
	132	EP	0325056		07-26-1989			

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Supplement for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	133	AGER et al., "Multilayer hard carbon films with low wear rates," <i>Surface and Coatings Technology</i> , 91:91-94 (1997).	
	134	BETZIG et al "Near-Field Optics: Microscopy Spectroscopy and Surface Modification Beyond the Diffraction Limit" <i>Science</i> 257:(1992).	
	135	DAI et al. " Nanotubes as nanoprobe in scanning probe microscopy," <i>Nature</i> 384:147-150 (1996).	
	136	DAVIS "Deposition characterization and device development in diamond silicon carbide and gallium nitride thin films" <i>J. Vac. Sci. Technol. A</i> 11(4). Jul./Aug. (1993).	
	137	DIAZ, D.C., et al., An Improved Fabrication Technique for Porous Silicon, <i>Rev. Sci. Instrum.</i> 64 (2), Feb. 1993, pp. 507-509.	
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	141	RASMUSSEN et al. "Fabrication of an All-metal Atomic Force Microscope Probe," <i>IEEE</i> (1997).	
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	143	SMESTAD, G., et al., Photovoltaic Response in Electrochemically Prepared Photoluminescent Porous Silicon, <i>Solar Energy Materials and Solar Cells</i> , 26, pp. 277-283 (1992).	
	144	TANG, William Chi-Keung, "Electrostatic comb drive for resonant sensor and actuator applications," Abstract of dissertation at the University of California at Berkeley (1990).	
	145	TOLEDO-CROW et al "Near-field differential scanning optical microscope with atomic force regulation" <i>Appl. Phys. Lett.</i> 60: (1992).	
	146	VAN HULST et al "Near-field optical microscope using a silicon-nitride probe" <i>Appl. Phys. Lett.</i> 62: (1993).	
	147	WATSON et al "The Radiation Patterns of Dielectric Rods-Experiment Theory" <i>Journal of Applied Physics</i> 19: (1948).	

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